

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

**Case No. 3:08-cr-041
Also No. 3:10-cv-147**

Plaintiff,

-v-

**Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

URIEL SANCHEZ-TORRES,

Defendant.

**ENTRY AND ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS (Doc. #189) AND
SUPPLEMENTAL REPORT AND RECOMMENDATIONS (Doc. #192) IN
THEIR ENTIRETY; OVERRULING SANCHEZ-TORRES' OBJECTIONS
TO THE REPORT AND RECOMMENDATIONS (Doc. #191) AND
OBJECTIONS TO THE SUPPLEMENTAL REPORT AND
RECOMMENDATIONS (Doc. #194); DENYING SANCHEZ-TORRES'§
2255 MOTION WITH PREJUDICE AND DENYING SANCHEZ-TORRES
LEAVE TO APPEAL IN FORMA PAUPERIS AND ANY REQUESTED
CERTIFICATE OF APPEALABILITY**

This matter comes before the Court pursuant to Magistrate Judge Michael R. Merz's Report and Recommendations and Supplemental Report and Recommendations regarding pro se Defendant Uriel Sanchez-Torres' ("Sanchez-Torres") Motion To Vacate brought pursuant to 28 U.S.C. § 2255. The Magistrate Judge has now reviewed Sanchez-Torres' Motion and recommends that it be dismissed with prejudice because it was not brought within the applicable statute of limitations.

The Report and Recommendations recommends that the § 2255 Motion be dismissed with prejudice and the Supplemental Report and Recommendations responds to Sanchez-Torres' initial Objections but continues to recommend that Sanchez-Torres' § 2255 Motion be dismissed

with prejudice.

Sanchez-Torres has filed Objections to the Report and Recommendations and Supplemental Report and Recommendations and the United States of America has not responded to either. This matter is, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that the Magistrate Judge's Report and Recommendations and Supplemental Report and Recommendations are adopted in their entirety.

Sanchez-Torres' Motion was brought outside of the applicable statutes of limitations. Sanchez-Torres' Motion is, therefore, DISMISSED WITH PREJUDICE. Further, Sanchez-Torres' Objections to the Report and Recommendation and to the Supplemental Report and Recommendations are OVERRULED.

Because reasonable jurists would not disagree with this conclusion, Sanchez-Torres is denied leave to appeal in forma pauperis. Further, any requested certificate of appealability is denied.

DONE and **ORDERED** in Dayton, Ohio, this Twenty-Eighth Day of June, 2010.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Uriel Sanchez-Torres at his last address of record